



# Case Review System

1. How effectively is the State able to meet the requirement that each child in foster care under the State's placement and care responsibility have a written case plan with all the required elements?

### I. Overview

CA has a service plan for each foster child that complies with all of the federal requirements. The Individual Service and Safety Plan (ISSP) is the unifying case plan tool for all children and families in the child welfare system. The ISSP serves as the foundation for service provision for children and families involved in out-of-home placements. The ISSP identifies primary outcome goals as well as alternative permanency goals for children in placement (e.g. return home, adoption, guardianship, or other permanent living arrangement).

# **II. Program and Policy Information**

Statutory and regulatory requirements for a written case plan are embedded in state statutes, policy, and practice. (See Revised Code of Washington (RCW) 74.14A.025, 13.34.145, and CA Policy and Procedures Manual, Chapters 4000 and 5700). Case plan requirements continue to be updated regularly to ensure that federal mandates and regulations are met or exceeded.

A written case plan is required for all cases open for services after assessment. The approved written case plan (ISSP) must be completed within 60 days of the child's removal from the parent, and must be updated at least once every six months. The ISSP is required on all open out-of-home placement cases, whether voluntary or court-ordered. When Juvenile Court has jurisdiction over the dependent child, the ISSP serves as the case plan report to the court, and is submitted as evidence into the official record at initial fact-finding and disposition hearings as well as all subsequent six-month review and permanency planning hearings.

The ISSP presents a summary of events leading to the placement of the child, the needs of the child and family, and a list of services recommended to meet the child and/or family's needs. The plan is used to communicate about concurrent planning with families. To make concurrent planning clear for all involved, the agency identifies the primary permanency plan for the child, in addition to the alternate plan. For all children 16 and over, the social worker must include a plan for developing the child's independent living skills.

In order to ensure consistency in practice, there are numerous policies and procedures that address the practice of case planning. Practice and Procedure manuals guide the development of the ISSP.

CAMIS manuals guide the timeliness of documentation of the actions into the information system.

The provisions of Washington law and CA policies and procedure emphasize that "the child's health and safety shall be the paramount concern," and require that the plan be based on the child's and family's assessment. The plan includes information assuring that the child's placement is in a safe setting that is the least restrictive (most family-like) and most appropriate to meet the child's individual needs.

### Prognostic/Initial Staffing

Following the initial assessment of a child in care, a prognostic staffing is held. Although not every office has the same process for the initial staffing, each office conducts a meeting to discuss case planning. Policy requires that family and caregivers be notified of the meeting, and be invited to participate. The meeting addresses how the child(ren) came into care, strengths and challenges for the family, and concurrent planning options.

#### Elements within the ISSP

Using the information gathered in the assessment and staffing, and the input of the family and child, the case plan is developed and includes the following information:

- A description of why the child cannot be adequately protected at home;
- The in-home services that were considered and why they have been rejected as options;
- The preventive services that have been offered or provided and have failed to prevent the need for out-of-home placement, (unless the health, safety, and welfare of the child cannot be protected adequately in the home);
- Information regarding the parent's attitude towards placement of the child;
- A statement of the likely harm that the child will suffer as a result of removal from the home;
- A description of the nature of the parent-child attachment;
- The meaning of separation and loss to the parent and the child;
- A description of steps that will be taken to minimize harm caused by placement to the child;
- A description of behaviors expected from the parents before DCFS determines that supervision or placement is no longer necessary;
- A description of the type of home or institution in which the child is placed;
- A description of the long-term permanent plan for the child;
- A description of how the supervising agency intends to carry out judicial determinations;
- A description of how the agency will attempt to ensure the child receives safe and proper care:
- A description of how all services provided to parent, child, and foster parents will facilitate the timely, safe return of the child to the home of the parents;
- A discussion of the safety and appropriateness of the services provided to the child while in

care to meet the special needs of the child. (Children removed from their home must be screened for multiple needs if they are expected to remain in care beyond 30 days. Any needs of the child identified in the screening process need to be addressed).

- In the case of a child who has attained age 16, a discussion of the services needed to assist the child to prepare for or make the transition from foster care to independent living;
- A discussion of what progress and compliance with the case plan has been made;
- A description of the visitation plan between the child and parents;
- A list of dates the parent was notified of changes in the placement or visitation plan;
- A list of the requirements the parents must complete before resuming custody of the child;
- A list of the health providers for the child, the school the child is attending and any special
  health or educational needs of the child, including descriptions of any medications taken by
  the child, and the child's immunization records;
- A list of the steps that need to be taken before the permanency plan is completed;
- The expected completion date for the permanent plan; and
- The Native American status of the child.

The plan is directed toward seeking a safe, stable, and permanent home for the child as soon as possible. It identifies one of the following outcomes as the primary goal, and may also identify additional outcomes as alternative goals:

- 1. Return of the child to the home of the child's parent, guardian, or legal custodian;
- 2. Adoption;
- 3. Guardianship;
- 4. Third Party Custody;
- 5. Long-term relative placement;
- 6. Foster care long-term agreement;
- 7. Independent Living (only if the child is 16 years of age or older).

#### Distribution of the ISSP

The written case plan is provided to all parents whose location is known, in addition to the parties' attorneys, guardians ad litem, court, and other parties involved in the case. CA policy requires the ISSP to be provided to the caregiver for the child, with the summary information regarding the parent removed prior to distribution. The caregivers are further provided with a confidentiality statement which they are expected to sign and return to CA.

### Updating the Case Plan

The case plan is updated six months after the initial date of the current placement. The Health and Education section of the case plan is provided to all out-of-home care providers at the time of each new placement, and updates are sent to the provider every six months.

#### III. Initiatives

#### Kidscreen

On September 15, 2001 the state of Washington implemented the statewide Kidscreen program, in response to legislative enactment of RCW 74.14A.050. The legislature required CA to address the long-term needs of children in foster care through the implementation of a standardized, validated approach to assessing children within the first 30 days of placement. The Kidscreen model assesses children in five domains: physical/medical, family/social, educational, emotional/behavioral, and developmental.

On completion of the Kidscreen assessment, a staffing is held. Participants in the staffing are generally the worker, Kidscreen specialist, supervisor and other members of the child's care team. The purpose of these staffings is to develop action plans for meeting the child's needs identified through the assessment. Kidscreen provides a strong foundation for developing effective case plans for children in out-of-home placement. Information from the Kidscreen assessment and Action Plans is incorporated into the child's ISSP.

From September 15, 2001 to June, 2003, 5,304 children were assessed through the Kidscreen program.

In June, 2003, the CA Quality Improvement section conducted a statewide review of Kidscreen cases to examine the early implementation of the Kidscreen process, and to identify successes, systemic issues, and areas where further development is needed. This review concluded that statewide Kidscreen results were incorporated into the ISSP 72% of the time. (Refer to Chapter Ten: Child and Family Well Being, for further details).

### Continuous Quality Improvement Team

A statewide CQI team is reviewing the ISSP, in an attempt to determine how to make the plan for useful for workers and families and meet all federal and state requirements. The decision has been made to develop an instruction guide for the ISSP to increase consistency, and provide workers with information to assist them in the writing of the plans.

### **Training**

A new training module on "Service Planning" has been incorporated into the Training Academy. This module focuses on the legal and policy framework related to service plan. It also focuses on the development of effective service plans linked to assessment. (Refer to Chapter Four: Staff and Provider Training).

# IV. Lessons Learned During the Statewide Assessment

The ISSP ensures compliance with all federal mandates when completed. The ISSP continues to be re-evaluated and modified as federal requirements change.

In 2001, Washington launched the statewide Peer Case Review Program. Case review is one element of CA's continuous quality improvement model. The CA case review model examines practice from two perspectives: compliance and quality. The compliance perspective involves reviewing cases to determine the degree to which CA, federal, and accreditation activities have been carried out. In calendar year 2001, forty-six Peer Review Case Record Reviews were conducted in nineteen offices in five regions. A total of 1,389 case records were reviewed utilizing a standardized review instrument. The reviews found that in 89% of cases, appropriate assessments were conducted to identify the needs of *children*. The reviews revealed that appropriate assessments were conducted to meet the needs of the *family* 92% of the time. Clear, comprehensive case plans were found in 88% of cases reviewed, and in 91% of cases the ISSP's were current. (*Source: 2001 Statewide Summary Report: Peer Case Record Review*).

### Strengths

- The ISSP meets all the federal content requirements, and is modified as federal requirements change. ISSP's are required to be completed within 60 days of the child's removal from the parent, and are updated a minimum of once every six months. The ISSP is required on all open out-of-home placement cases, whether voluntary or court-ordered.
- On September 15, 2001, Washington implemented the Kidscreen program to address the long-term needs of children in foster care through the implementation of a standardized, validated approach to assessing children within the first 30 days of placement. An action plan is developed based on the needs identified in the assessment. The plan is required to be incorporated into the child's ISSP. Recent reviews indicated a statewide compliance of 72%.
- In calendar year 2001, forty-six case record reviews were conducted in 19 offices in five regions. A total of 1,389 case records were reviewed. Clear, comprehensive case plans were found in 88% of cases reviewed, and in 91% of cases the ISSP's were current.

### Challenges

- The Kidscreen Action Plan was incorporated (or partially incorporated) into the ISSP case plan only 72% of the time.
- The current ISSP is not linked to the statewide information system. This makes tracking of ISSP's cumbersome at best. It is expected that the revised ISSP will be automated within the statewide information system in 2004.

2. How effectively is the State able to meet the case review system requirement that parents of children in foster care participate in developing the child's case plan? In responding, consider their participation in activities such as identifying strengths and needs, determining goals, requesting specific services and evaluating progress related to their children.

### I. Overview

Involvement and engagement of the child's parents is crucial to Washington's case planning system. State statute (RCW 13.34.145 and 74.14A.025), CA Policy (Chapter 4211) and Procedures (Section 43022) require that "whenever possible" the social worker solicit the parents' active participation in the development of the ISSP case plan. The ISSP is developed within 60 days of the child's placement, and updated every six months. The written case plan is provided to all parents whose location is known. Whenever possible, the case plan is reviewed with the parents, whose signature on the ISSP documents receipt of the case plan, understanding of its contents, and a willingness to participate in case plan services.

### **II. Policy Information**

### Parental Placement Wishes

CA has policies to guide staff on the involvement of the family in case planning and decision-making. According to policy, the social worker is to involve the child's parents in the decision to place their child prior to removing the child from his/her home whenever this is possible. There are times when the child's health, safety, or welfare might be compromised, and when parental involvement may not be appropriate. However, the social worker must attempt to involve the child's parent(s) in the placement choice and must document this effort in the Service Episode Record (SER). Preferences such as family constellation and religion are considered when matching children to foster homes. Unless a compelling reason is identified, a child is not placed in a home of an identified ethnicity except when the Indian Child Welfare Act (ICWA) guides placement preferences. Parental preferences regarding placement are taken into account when those preferences are unrelated to the abuse or neglect issues that led to the child being removed from the home. (Refer to RCW 13.34.260; 42 USC 671a)

### Participants in Case Planning

Social workers have primary responsibility to coordinate the efforts of everyone working on behalf of the child. This includes working with parents to develop goals and the methods/interventions necessary to provide a safe and nurturing environment for their child. Social workers are also responsible for sharing information about the case with the family.

The social worker is required by policy to solicit the parents' active participation in the development of an ISSP and to reduce risk factors in order to facilitate the child's timely return home.

Social workers are encouraged to develop the ISSP in an in-person family conference. All parents whose locations are known must be provided with a copy of the ISSP.

Following placement, the social worker is required to inform the parent(s), (when their location is known), of all illnesses and injuries requiring medical treatment while the child is in out-of-home care, with notice of any serious injury or illness requiring hospitalization within 24 hours following its occurrence.

# III. Lessons Learned During the Statewide Assessment

Policy requires staff to involve parents in the development of the child's care plan. In addition, the various assessment and case planning tools are structured to support parental involvement. (For example, the safety plan, the transition plan and the ISSP). However, there is no system in place to effectively measure compliance with this requirement.

In some regions, Family Group Conferencing (FGC) is utilized to involve parents and extended family members in developing case plans. However, FGC's are not operational in all regions, and there is a need for statewide direction and policy regarding the use of the conferences.

In addition, CA has staffing requirements for children that provide the opportunity for parent participation. The staffings include prognostic and permanency Planning staffings and Child Protection Team (CPT) staffings. Parents are invited to participate in the staffings to discuss family strengths, challenges, and concurrent planning issues.

Documenting parent participation in staffings and case planning continues to be a challenge. Throughout the accreditation process, reviewers have reported that it is difficult to tell, in the review of a case, whether the parent was involved in case planning. CA policy requires that families be provided with copies of case plans, and sign on the back that they have received one. The signature on the back of the case plan by the parent only indicates that they received the plan, not that they were involved in the development of the plan. Currently there is no policy that requires a worker to document that a family was involved, and to what extent.

In response to the Council on Accreditation (COA) standards CA is developing a new family assessment tool to assess family needs and strengths. This will supplement the risk assessment. The new family assessment tool will be structured to emphasis parental involvement and will support the revised ISSP (also in development) The assessment tool is currently in the development stages, and will be piloted in the Fall of 2003 with statewide implementation in 2004.

There currently is no policy, which specifies the frequency of face-to-face contacts with parents by workers. CA is in the process of developing a policy requiring 30 day visits with parents. A workgroup with union representation is currently developing this policy. The planned implementation date is Fall, 2003.

There is a significant link between worker contacts with the family, adequate assessment, and

development of appropriate case plans. Appropriate case plans contribute to timely permanency. Although many CA offices perform well in this area, CA is working to develop increased consistency in statewide practice through policy changes and tool development.

Mock CFSR reviews were conducted in several offices in preparation for the onsite review in November, 2003. During the mock review it was evident that the information regarding a family's involvement in case planning was not documented. However, interviews with social workers revealed that they were attempting to actively involving families in the process. Some workers reported that the families were engaged, whereas others reported that attempts to engage failed. This may be due to numerous factors or dynamics involved in each individual case; however, it may also be due to a lack of parents' knowledge about the importance of the process and what is expected of them.

Through the Washington State Office of Public Defense, the Dependency and Termination Equal Justice Committee was created to examine issues related to:

- Continuance reductions,
- Problems with parental access to services,
- Reasons for delays in dependencies and terminations, and
- Obstacles to service delivery.

This committee was divided into subcommittees to address these topics. The Access to Services Subcommittee recommended that parents have greater opportunity to be fully informed of the process and their obligations. Although there are initial projects going on in the state to achieve this goal, there has not been enough information gathered to determine what effect this would have on parental participation in case planning. (Refer to additional information about this pilot project later in this chapter).

### **Strengths**

- Kidscreen promotes parental participation in the assessment process by seeking input on both the developmental and emotional/behavioral domains. Parents also have the opportunity to participate in the Kidscreen staffing to develop an action plan for meeting their child's identified needs.
- Family Group Conferences are available in some CA offices.
- Parents are invited (when appropriate) to participate in internal staffings such as permanency planning or prognostic staffings. Both of these allow parental involvement in case planning.
- CA is developing policy requiring increased visitation with parents (every 30 days), a new family assessment model, and a revised ISSP.

### **Challenges**

- There are no internal mechanisms currently tracking parental involvement in case planning. ISSP's can be completed without parental input.
- Parental involvement in case planning is occurring but is not consistently documented
- Policy does not require parental participation in prognostic or permanency planning staffings (although parents' perspective is to be presented). In addition, parental participation is not tracked consequently, actual frequency of participation is not known.

### **Promising Practice**

CA is completing the process for accreditation through the Council on Accreditation (COA). The COA standards require CA to design and implement a collaborative approach to the development of service plans for foster or kinship care. The plan must begin at the time of intake, address the child and biological family's unique needs, and involve the child, the child's biological parents, foster parents or kinship caregivers, siblings, extended family, and others central to the child's well-being. In addition, COA standards require that the persons and families involved fully participate in service delivery, and that they are fully informed about service options, service goals, and decision-making about the services they receive. CA offices that are preparing for accreditation are working to change practice to meet these standards.

3. Citing any data available to the State, discuss how effectively the State is meeting the requirement that the status of each child in foster care be reviewed periodically, i.e., at least every 6 months, by a court or administrative review.

#### I. Overview

Clear statutory and CA policy requirements exist in the state of Washington for court or administrative review of each child's case at least every six months.

Except for children whose cases are reviewed by a citizen review board under Revised Code of Washington (RCW), Chapter 13.70, the status of any child in out-of-home care must be reviewed by a court every six months. The six-months is measured from the beginning date of the placement episode, or the date dependency is established, whichever is first. The initial review hearing is required be an in-court review, and is set six months from the beginning date of the placement episode, or no more than 90 days from the date of the disposition order, whichever comes first. The initial review hearing may be a permanency planning hearing when necessary to meet the time frames established by the Adoption and Safe Families Act (ASFA) (RCW 13.34.145(3) and RCW 13.34.134).

For each court review prior to the 12-month permanency planning hearing, and for subsequent reviews, the court must review the status of the permanent plan.

CA has numerous policies and procedures to guide workers in meeting the requirement to review the status of each child in care every six months. Additional statutory and CA policy authority governing and strengthening the requirement for six-month review of a child's case plan (ISSP) and status of the child's permanent plan include: RCW 74.13.330, 13.34.110, 13.34.060, 13.34.070, and 13.70.140. These statutes are represented in CA Policy 6100, 4000 and CA Practice and Procedures 4400, 3500, 2420-2433, and 4303.

# **II. Program and Policy Information**

#### Court Reviews

#### Periodic Reviews

The status of any child in out-of-home care is reviewed by a court every six months from the beginning date of the placement episode or the date dependency is established, whichever is first. This initial review hearing is required to be an in-court review, and must be set on the court calendar for six months from the beginning date of the placement episode or no more than 90 days from the entry of the disposition order, whichever comes first. The review includes findings regarding CA and parental completion of disposition plan requirements, and, if necessary, revised permanency time limits. The review is also considers both the agency's and parent's efforts that demonstrate consistent measurable progress over time in meeting the disposition plan requirements.

Periodic case reviews for children in out-of-home care are expected to cover:

- The entire case plan for the child;
- The safety of the child;
- The appropriateness of the placement;
- The permanent plan for the child;
- The legal status of the child;
- Review of the appropriateness of services provided;
- Review of the visitation plan;
- Compliance with the case plan by the parent, child, and supervising agency, including whether progress has been made toward permanency;
- The projected date for returning and safely maintaining the child at home, or for completion of another safe permanent plan;
- Whether parents have been notified or involved in agency decision making as it relates to changes in visitation, placement and the legal status of the child; and
- Whether additional services, including housing assistance, are needed to facilitate the return of the child to the child's parents; and if so, the court orders that reasonable services be offered specifying such services.

### Permanency Planning Review

(Refer to question four of this chapter for additional information on permanency planning reviews).

A permanency planning hearing is required to be held in all cases where the child has remained in out-of-home care for at least nine months, and an adoption decree, guardianship order, or permanent custody order has not been entered. The hearing must take place no later than 12 months following commencement of the current placement episode.

A permanency planning hearing is also required no later than 12 months (RCW 13.34.145), following a child's removal from the home of a dependency guardian or long-term relative or foster care provider, and the child is not returned to the home of the parent, guardian, or legal custodian, but is placed in out-of-home care.

CA is required to submit a written permanency plan to the court no later than 10 working days prior to the permanency planning hearing. In addition, CA is required to mail a copy of the plan to all parties involved and their legal counsel, if any.

#### Administrative Case Review

### **Staffings**

Other types of internal staffings may sometimes meet federal requirements for periodic review if:

- 1. Parent(s) of the child have been invited to the review or staffing,
- 2. At least one person on the reviewing body is not directly responsible for developing and implementing the case plan, and
- 3. The review addresses all of the issues covered in a periodic judicial review.

An administrative review for children in placement can, by consent of the parent(s), meet federal requirements for periodic review when conducted every six months. Periodic case review panels (administrative or citizen) must include one person not directly responsible for service delivery to the child or the family. However, with the exception of Snohomish County, Administrative or Citizen Review Boards are not utilized in Washington. In Snohomish County, Citizen Review Boards are used infrequently.

### **Case Conferencing**

Pursuant to RCW 13.34.062, when parents request a multidisciplinary team, family group conference, prognostic staffing, or case conference, CA is required to provide them with advance information about these processes.

Although some offices within CA are actively involved in Family Group Conferences, there is no consistent statewide practice in their use. In addition, when Family Group Conferencing does occur, it tends to be later in the case, not at the beginning, where it may be more beneficial to mediate the situation prior to court involvement.

In most situations, social workers attempt to work with families to resolve situations prior to court, but due to the dynamics of the relationship between the social worker and the family, this is not always possible or effective. If families entering the court system were required to engage in a case resolution process with an independent agent/contractor, a large percentage of cases might avoid litigation, or the process might lead to a reduction in the number of matters that would be contested in the hearings. This would ultimately reduce the time the court and agency are involved with the family. Discussions have been initiated with court committees about the need to explore alternative dispute resolution models such as mediation, and develop pilot projects to test the models for effectiveness. Benton-Franklin County Court has been awarded a \$14,000 grant for a proposal to develop a Mediation Project. This project is in the development stages at this time.

### III. Initiatives

### Administrative Office of the Courts

The Washington State Administrative Office of the Courts (AOC) has a well-defined Court Improvement Plan (CIP). Under the CIP a number of initiatives have been implemented which support permanence for children and the importance of six-month court reviews. These include:

- Funding of annual regional "reasonable efforts" symposia, the annual Children's Justice conference, the annual Permanency Summit, and the Judicial Leadership forum;
- Judicial leadership training; and
- Comprehensive reassessment of the court's response and performance in child protection cases

# IV. Lessons Learned During the Statewide Assessment

Washington statutes and CA policies and procedures clearly require a process for case review no less frequently than once every six months.

The court Case Management System, maintained by the Attorney General's office, provides considerable data regarding court utilization. However, it does not currently track compliance with the six-month court review requirement. The Attorney General's office has indicated a willingness to work with CA to include this in their Case Management System for 2004.

For a variety of reasons the CAMIS module (Legal and Placement) has not been effective in tracking compliance with the six-month court review requirement. A major revision to this module is in the "business requirement" stage of development. This development will not be operational until 2005. In the meantime, an interim revision to the Legal and Placement module is planned for 2004. This interim development will include capacity to track six month court reviews.

In King County, CA has a separate Court Unit. This Unit does track dependency reviews. In King County, dependency reviews are scheduled at the five-month point. This is done to ensure, in the event of a continuance, that the review is still conducted within six months. Data for 2000-2002 indicate a 24% continuance rate, but a six-month compliance rate of over 90%.

Although there is no current statewide data regarding performance with respect to six-month reviews, the courts have raised no concerns with CA or the Assistant Attorney General's (AAG) office related to compliance.

# Strengths

- There are clear statutory and CA policy requirements for the review of each child's case at least every six months.
- Washington has a strong Court Improvement Plan that supports the safety, permanence and well being of children.

# Challenges

• Currently there is no statewide system in place to track compliance related to six month court reviews of dependent children.

4. Citing any data available to the State, discuss how the State meets the requirement that permanency hearings for children in foster care occur within prescribed time-frames. Discuss the effectiveness of the hearings in promoting the timely and appropriate achievement of permanency goals for children.

### I. Overview

Clear policy requirements are in place with respect to fulfilling permanency hearing requirements.

# **II.** Policy and Program Information

#### Case Plans

CA policies require workers to comply with federal legislation and schedule permanency planning hearings annually for every child. Workers are required to schedule and facilitate permanency planning staffings prior to the date the court review is due. In order to facilitate permanency hearings, workers submit ISSP's to court prior to the hearings. CA policy requires case plans to be distributed to all parties before the court proceeding. However, some courts create their own requirements, and this creates a lack of consistency among CA workers and makes it difficult to maintain uniform, statewide practice.

### Notification

Case workers are required to provide timely notification to families prior to the court hearing. In addition, caseworkers are guided by policy in attempting to determine whether it would be developmentally appropriate for a child to be in the courtroom.

### III. Initiatives

### Court Improvement Plan

The Washington State Administrative Office of the Courts (AOC) has a well defined Court Improvement Plan. Under the Court Improvement Plan a number of initiatives have been implemented which support permanence for children. These include:

- Funding of annual regional "reasonable efforts" symposia, the annual Children's Justice conference, the annual Permanency Summit, and the Judicial Leadership forum;
- Judicial leadership training;
- Pilot projects and Model Courts to improve timeliness of decisions, case planning and case management;

- Conducting ASFA training for judges and attorneys to improve compliance with permanency timelines;
- Review of court forms to ensure compliance with required federal language; and
- Comprehensive reassessment of the court's response and performance in child.

### IV. Lessons Learned During the Statewide Assessment

Washington statutes and CA policies and procedures clearly outline the requirements for permanency hearings within the prescribed timeframes.

The court Case Management System maintained by the Attorney General's office provides considerable data regarding court utilization. However, it does not currently track compliance with the permanency hearing time requirements. The Attorney General's office has indicated a willingness to work with CA to include this in their Case Management System for 2004.

For a variety of reasons this CAMIS module has not been effective in tracking compliance with permanency hearing time requirements. A major revision to this module is in the "business requirement" stage of development. This development will not be operational until 2005. In the meantime, an interim revision to the placement and legal module is planned for 2004. This interim development will include capacity to track permanency timelines

In King County, CA has a separate Court Unit. This Unit does track permanency reviews. Data for 2000-2002 indicate that on average, 78% of permanency hearings are conducted within the required timelines. In 22% of cases, continuances occur. These continuances range 2-6 weeks.

### Delays in timely hearings

The primary reason for delays in scheduled permanency hearings is the number of continuances granted in the court system. Continuances can be requested by any party to the case, and can be granted for a variety of reasons. When a continuance is granted, a court order is issued with the new date of the hearing. The order states which party requested the continuance, but does not explain the reason for the request, so it is very difficult to determine why continuances are granted. Often, numerous continuances result in weeks or even months of time lost.

The lack of adequate representation for parents has major impact on the number of continuances. Public defense attorneys are appointed to represent parents who financially qualify for court-appointed counsel. These defenders are often representing many clients, and receive little compensation from their assigning counties.

### Pilot Projects

### Adequate Defense Representation Pilot Project Findings

According to the interim report from the Washington State Office of Public Defense (January

2001), defense attorney over-scheduling was a major reason for continuances across the state prior to the pilot project. The report also noted that in 1998, the Attorney General reported that the unavailability of defense attorneys was a major barrier in delaying prosecution of dependency and termination hearings. As a result, a pilot project was initiated in three counties to improve representation. Initial results indicate that continuance rates have been reduced to a rate of 6%.

The Court Improvement Plan supports the continued development of adequate defense representation, and has provided a grant of \$24,000 for the Office of Public Defense to work with the Courts in six counties to conduct a statewide Parent's Representation Conference, and to develop a resource manual for attorneys.

#### Mediation

The Court Improvement Plan has funded a mediation project in Benton and Franklin counties to utilize mediators to expedite issue resolution and permanency planning.

# Strengths

- Clear statutory and CA policy require permanency planning review of each child's case no later than 12 months following the commencement of the current placement episode.
- Washington has a strong Court Improvement Plan which supports timely permanence for children.
- The *Adequate Defense Representation Pilot Project* has been funded for the past three years, and has provided increased representation to families served by CA, and reduced the continuance rate.

### **Challenges**

- The average length of continuance for review hearings is approximately two weeks.
- Currently there is no statewide system in place to track compliance permanency hearing time frames

5. Citing any data available to the State, discuss how the State meets the requirement to provide foster parents, pre-adoptive parents, and relative caregivers of children in foster care with notice of, and an opportunity to be heard in, any review or hearing held, with respect to the child in their care.

### I. Overview

Washington is committed to the belief that care providers are crucial members of the child's treatment team, who are able to provide valuable information about the child in their care, and should be invited to participate in case planning activities, prognostic and permanency planning staffings, and other relevant staffings.

### II. Program and Policy

Washington State statute (RCW 13.34.130(7) and CA policy (Chapter 6000, section 6100,A,2) require that foster parents, relative caretakers, and pre-adoptive parents receive notice of, and an opportunity to be heard in, any review hearing held with respect to the child in their care. This provision does not grant party status to any person who is provided an opportunity to be heard (RCW 13.34.138). In 1999, a caretaker notification letter, and caretaker's report to the court forms were developed and distributed statewide. This written notice informs the caregiver of the date, time and place of the hearing; the nature of the hearing; and any change in custody or status of the child. This notice advises the foster parent, relative caregiver, and pre-adoptive that they may attend all hearings or may submit any information deemed relevant to the court in writing.

#### III. Initiatives

The CA Strategic Plan for 2003 – 2009 has targeted the development of strategies for consistency in including foster parents and relative caregivers in case staffings, educational planning, and medical management of the children in their care.

# IV. Lessons Learned During the Statewide Assessment

State statute and CA policy require that a child's foster parent, relative caregiver, and preadoptive parents receive a copy of the child's case plan prior to each review hearing. Development of a consistent practice of notification and case plan participation is currently underway in Washington.

During the statewide assessment process, feedback from foster parents and staff indicated confusion about the expectation and/or invitation for caregiver participation in hearings. Social workers are required to provide notification to foster parents regarding the hearings. However, the courts then have jurisdiction over the nature and extent of foster parents involvement. Some are only allowed to have input by mail, and others appear at the hearing with the impression that

they are going to be involved. This causes confusion for foster parents and for social workers.

### Strengths

- Washington statute and CA policy require that foster parents, relative caregivers, and preadoptive parents receive notice of, and an opportunity to be heard in, any review hearing held, with respect to the child in their care.
- In 1999, caregiver notification letters and caregiver's report to the court forms were developed and distributed statewide. The written notice informs the caregiver of the date, time and place of the hearing; the nature of the hearing; and any change in custody or status of the child. This notice advises the foster parent, relative caregiver, and pre-adoptive parents that they may attend all hearings or may submit any information deemed relevant to the court in writing.
- Policy indicates the child's social worker is to invite the out-of-home care provider to participate in prognostic and other staffings.

### **Challenges**

• There is currently no statewide tracking mechanism to determine if caregivers are being notified of hearings, and if they are invited, how many are in attendance.